

107TH CONGRESS  
1ST SESSION

# S. 352

To increase the authorization of appropriations for low-income energy assistance, weatherization, and State energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2001

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. LEAHY, Mr. DORGAN, Mr. KENNEDY, Ms. MIKULSKI, Mr. LEVIN, Mr. DODD, Mr. SCHUMER, Mr. BREAUX, Mr. DURBIN, Mr. KERRY, Mr. DAYTON, Ms. CANTWELL, Mr. CORZINE, Mrs. CLINTON, Mr. REID, Mr. AKAKA, Mrs. CARNAHAN, Mr. JOHNSON, Mr. CONRAD, Mr. WELLSTONE, Ms. LANDRIEU, Mr. KOHL, Mr. NELSON of Nebraska, Mr. REED, Mr. LIEBERMAN, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To increase the authorization of appropriations for low-income energy assistance, weatherization, and State energy conservation grant programs, to expand the use of energy savings performance contracts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Energy Emergency Re-  
5 sponse Act of 2001”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) high energy costs are causing hardship for  
4 families;

5 (2) restructured energy markets have increased  
6 the need for a higher and more consistent level of  
7 funding for low-income energy assistance programs;

8 (3) conservation programs implemented by the  
9 States and the low-income weatherization program  
10 reduce costs and need for additional energy supplies;

11 (4) energy conservation is a cornerstone of na-  
12 tional energy security policy;

13 (5) the Federal Government is the largest con-  
14 sumer of energy in the economy of the United  
15 States; and

16 (6) many opportunities exist for significant en-  
17 ergy cost savings within the Federal Government.

18 (b) PURPOSES.—The purposes of this Act are to pro-  
19 vide assistance to those individuals most affected by high  
20 energy prices and to promote and accelerate energy con-  
21 servation investments in private and Federal facilities.

22 **SEC. 3. INCREASED FUNDING FOR LIHEAP, WEATHERIZA-**  
23 **TION AND STATE ENERGY GRANTS.**

24 (a) LIHEAP.—(1) Section 2602(b) of the Low-In-  
25 come Home Energy Assistance Act of 1981 (42 U.S.C.  
26 8621(b)) is amended by striking the first sentence and in-

1   serting the following: “There are authorized to be appro-  
2   priated to carry out the provisions of this title (other than  
3   section 2607A), \$3,400,000,000 for each of fiscal years  
4   2001 through 2005.”.

5       (2) Section 2605(b)(2) of the Low-Income Home En-  
6   ergy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)) is  
7   amended by adding at the end the following:

8       “And except that during fiscal year 2001, a State  
9       may make payments under this title to households  
10      with incomes up to and including 200 percent of the  
11      poverty level for such State;”.

12      (b) WEATHERIZATION ASSISTANCE.—Section 422 of  
13   the Energy Conservation and Production Act (42 U.S.C.  
14   6872) is amended by striking “For fiscal years 1999  
15   through 2003 such sums as may be necessary” and insert-  
16   ing: “\$310,000,000 for each of fiscal years 2001 through  
17   2005.”.

18      (c) STATE ENERGY CONSERVATION GRANTS.—Sec-  
19   tion 365(f) of the Energy Policy and Conservation Act (42  
20   U.S.C. 6325(f)) is amended by striking “for fiscal years  
21   1999 through 2003 such sums as may be necessary” and  
22   inserting: “\$75,000,000 for each of fiscal years 2001  
23   through 2005”.

1 **SEC. 4. FEDERAL ENERGY MANAGEMENT REVIEWS.**

2 Section 543 of the National Energy Conservation  
3 Policy Act (42 U.S.C. 8253) is amended by adding at the  
4 end the following:

5 “(e) PRIORITY RESPONSE REVIEWS.—Each agency  
6 shall—

7 “(1) not later than October 1, 2001, undertake  
8 a comprehensive review of all practicable measures  
9 for—

10 “(A) increasing energy and water con-  
11 servation, and

12 “(B) using renewable energy sources; and

13 “(2) not later than 180 days after completing  
14 the review, implement measures to achieve not less  
15 than 50 percent of the potential efficiency and re-  
16 newable savings identified in the review.”.

17 **SEC. 5. COST SAVINGS FROM REPLACEMENT FACILITIES.**

18 Section 801(a) of the National Energy Conservation  
19 Policy Act (42 U.S.C. 8287(a)) is amended by adding at  
20 the end the following:

21 “(3)(A) In the case of an energy savings con-  
22 tract or energy savings performance contract pro-  
23 viding for energy savings through the construction  
24 and operation of one or more buildings or facilities  
25 to replace one or more existing buildings or facilities,  
26 benefits ancillary to the purpose of such contract

1 under paragraph (1) may include savings resulting  
 2 from reduced costs of operation and maintenance at  
 3 such replacement buildings or facilities when com-  
 4 pared with costs of operation and maintenance at  
 5 the buildings or facilities being replaced.

6 “(B) Notwithstanding paragraph (2)(B), aggre-  
 7 gate annual payments by an agency under an energy  
 8 savings contract or energy savings performance con-  
 9 tract referred to in subparagraph (A) may take into  
 10 account (through the procedures developed pursuant  
 11 to this section) savings resulting from reduced costs  
 12 of operation and maintenance as described in sub-  
 13 paragraph (A).”.

14 **SEC. 6. REPEAL OF ENERGY SAVINGS PERFORMANCE CON-**  
 15 **TRACT SUNSET.**

16 Section 801(c) of the National Energy Conservation  
 17 Policy Act (42 U.S.C. 8287(c)) is repealed.

18 **SEC. 7. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINI-**  
 19 **TIONS.**

20 (a) **ENERGY SAVINGS.**—Section 804(2) of the Na-  
 21 tional Energy Conservation Policy Act (42 U.S.C.  
 22 8287c(2)) is amended to read as follows:

23 “(2) The term ‘energy savings’ means a reduc-  
 24 tion in the cost of energy or water, from a base cost

1 established through a methodology set forth in the  
2 contract, used in either—

3 “(A) an existing federally owned building  
4 or buildings or other federally owned facilities  
5 as a result of—

6 “(i) the lease or purchase of operating  
7 equipment, improvements, altered oper-  
8 ation and maintenance, or technical serv-  
9 ices;

10 “(ii) the increased efficient use of ex-  
11 isting energy sources by cogeneration or  
12 heat recovery, excluding any cogeneration  
13 process for other than a federally owned  
14 building or buildings or other federally  
15 owned facilities; or

16 “(iii) the increased efficient use of ex-  
17 isting water sources; or

18 “(B) a replacement facility under section  
19 801(a)(3).”.

20 (b) ENERGY SAVINGS CONTRACT.—Section 804(3) of  
21 the National Energy Conservation Policy Act (42 U.S.C.  
22 8287c(3)) is amended to read as follows:

23 “The terms ‘energy savings contract’ and ‘en-  
24 ergy savings performance contract’ mean a contract  
25 which provides for—

1           “(A) the performance of services for the  
 2           design, acquisition, installation, testing, oper-  
 3           ation, and, where appropriate, maintenance and  
 4           repair, of an identified energy or water con-  
 5           servation measure or series of measures at one  
 6           or more locations; or

7           “(B) energy savings through the construc-  
 8           tion and operation of one or more buildings or  
 9           facilities to replace one or more existing build-  
 10          ings or facilities.”.

11          (c) ENERGY OR WATER CONSERVATION MEASURE.—  
 12          Section 804(4) of the National Energy Conservation Pol-  
 13          icy Act (42 U.S.C. 8287c(4)) is amended to read as fol-  
 14          lows:

15                 “The term ‘energy or water conservation meas-  
 16          ure’ means—

17                 “(A) an energy conservation measure, as  
 18                 defined in section 551(4) (42 U.S.C. 8259(4));  
 19                 or

20                 “(B) a water conservation measure that  
 21                 improves water efficiency, is life cycle cost effec-  
 22                 tive, and involves water conservation, water re-  
 23                 cycling or reuse, improvements in operation or  
 24                 maintenance efficiencies, retrofit activities or

- 1 other related activities, not at a Federal hydro-
- 2 electric facility.”.

○